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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,760	06/29/2001	Ravi Chandar	10008058-1	6926

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,760

Applicant(s)

CHANDAR ET AL.

Examiner

John M Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 14, 21-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claims 13-15 remain pending.

Claims 21-26 have been appended.

Response to Arguments

The Applicants arguments filed on February 14, 2005 have been fully considered.

The previously indicated allowability of claims 13 and 15 has been withdrawn upon further consideration of the Weidemer reference.

See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 - 11, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weidemer, (US Patent No 5,155,680) in view of Eggers et al. (US Patent No 4,920,432).

As per claim 13,

Weidemer, ('680) discloses a selective access computer system comprises:

A computing workstation having at least one software application and at least one input/output device(Figure 1)

A selective access mechanism for obtaining electronic payment authorization for a user's financial instrument and for permitting selective access to the computer workstation upon payment authorization from the user (Figure 3)

A credit card and a bank issued debit card reader connected to the computing workstation for obtaining payment authorization (Figure 3)

obtaining electronic payment authorization for a financial instrument, permitting access to the at least one software application based on payment authorization;(Column 5, lines 60-65)

tracking use of the computer system including the software application and input/output devices of the computer system, charging the financial instrument with a fee based on the tracking step; and terminating access to the at least one software application upon notification from the user.(Column 6, lines 43-50)

a resource tracker for determining a cost of using the computer system based on an amount of time of use and quantity of use of software applications and input/output devices; and

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a user interface configured for permitting access to at least one of the software application and the input/output devices only upon payment authorization through the electronic payment mechanism.(Column 5, lines 60-65)

Weidemer, ('680) does not explicitly disclose a computing workstation having at least one software application and at least on input and output device ; Eggers et al. (US Patent No 4,920,432) discloses a computing workstation having at least one software application and at least on input and output device ;(Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to allow the usage of software on a computer.

As per claim 15,

Weidemer, ('680) discloses the computer system of claim 13 wherein the selective access mechanism further comprises:

prevent access to the software applications until payment authorization is received
(Column 5, lines 60-65)

Weidemer, ('680) does not explicitly disclose a screen save configured to appear on the display of a workstation Eggers et al. (US Patent No 4,920,432) discloses a screen save configured to appear on the display of a workstation. (Column 4, lines 64-66) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Weidemer method with the Eggers et al. in order to notify the user that the software is not free to use.

Allowable Subject Matter

Claim 14, 21-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

March 17, 2005


JOHN W. HAYES
PRIMARY EXAMINER